

REMARKS

In the Outstanding Official Action, it was noted that Applicant's prior arguments were deemed persuasive, and the prior rejection was withdrawn. In the instant action, claim 1 was newly rejected under 35 USC 102(b) as being anticipated by Festa, with claims 1-20 rejected under 35 USC 102(b) as anticipated by, or in the alternative, 35 USC 103(a) as obvious over Tanaka et al, for the reasons of record. In response, it is respectfully submitted that the currently-pending claims are patentably distinguishable over the cited and applied references, for the reasons detailed below.

More particularly, with regard to Festa, it is suggested in the Action that Fig. 2 of that reference discloses, *inter alia* an external vent 40 to a second chamber. However, a careful reading of Applicant's claim 1 in conjunction with Applicant's Fig. 3 will clearly indicate that the two chambers being recited by Applicant in fact correspond to a first chamber 34 and a second chamber 32 (the chamber containing the rear of speaker 35) in Festa. Accordingly, the partitioning wall which divides the acoustic chamber into first and second chambers in Festa is clearly partition 30, and this partition between the first and second chambers clearly does not have any vent between the first and


second chambers corresponding to Applicant's claimed vent which is shown at reference numeral 380 in Fig. 3. Accordingly, it is respectfully submitted that the Festa reference fails to show an essential claimed feature of the instant invention.

Regarding Tanaka, it is admitted that no external vent between the two chambers is shown, but it is suggested that it would be obvious to form such a vent in view of the cited portions of the cited text. Referring to these portions of the text, the reference states that other variations of the disclosed embodiment are possible. In particular, it is stated that the port (vent) may be provided in a sidewall in which no driver unit is installed (an embodiment directly contrary to that of the present invention as disclosed and claimed) or the port (vent) may be provided in a divider placed between the passive radiator (102) and the driver unit (101) within the front cavity (106). Again, such an embodiment neither shows nor suggests the instant invention, which does not contemplate a passive radiator, and which does not provide a divider between the two radiators, within the front cavity, but rather shows and claims that a vent is provided between the first and second chambers (claim 4) and that two active speakers (rather than a single speaker and a passive radiator) are provided (claim 1). Furthermore, since the preferred embodiment of Fig. 15 of Tanaka does not disclose the use of two active speakers, and does

not disclose the use of any port or vent whatsoever, the mere mention of other variations involving different port designs in the context of a system employing only a single driver along with a passive radiator would require undue experimentation to suggest the present invention absent the benefit of impermissible hindsight derived from the instant disclosure.

In view of the foregoing, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied references, and favorable consideration is earnestly solicited.

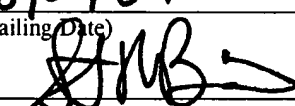
Respectfully submitted,

By 
Steven R. Biren, Reg. 26,531
Attorney
(914) 333-9630

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS
BOX 1450
Alexandria, VA 22313-1450

On 8/30/04
(Mailing Date)
By 
(Signature)